

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Sections 716 and 717 of	)	CG Docket No. 10-213
the Communications Act of 1934, as Enacted	)	
by the Twenty-First Century Communications	)	
and Video Accessibility Act of 2010	)	
	)	
Amendments to the Commission's Rules	)	WT Docket No. 96-198
Implementing Sections 255 and 251(a)(2) of	)	
the Communications Act of 1934, as Enacted	)	
by the Telecommunications Act of 1996	)	
	)	
In the Matter of Accessible Mobile Phone	)	CG Docket No. 10-145
Options for People who are Blind, Deaf-	)	
Blind, or Have Low Vision	)	
	)	

**COMMENTS OF MOTOROLA SOLUTIONS, INC.**

Motorola Solutions, Inc. (“MSI”) submits the following comments in response to the Federal Communications Commission’s Notice of Proposed Rulemaking on implementing the advanced communications services portions of the Twenty First Century Communications and Video Accessibility Act of 2010 (“CVAA”).<sup>1</sup> MSI supports the Commission’s goal of ensuring that “the 54 million individuals with disabilities are able to fully utilize advanced communications services and equipment and networks used for such services.”<sup>2</sup> In this filing, MSI offers comments on the discrete issue of the applicability of the advanced communications services provisions of the CVAA to public safety and enterprise devices and networks.

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<sup>1</sup> See Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010, CG Docket Nos. 10-213, 10-145, WT Docket No. 96-198, *Notice of Proposed Rulemaking*, 26 FCC Rcd 3133 (2011).

<sup>2</sup> *Id.* at 3134 ¶ 1.

MSI supports the Commission's proposed finding that the Section 716 definition of advanced communications services does not extend to public safety communications networks and devices. Furthermore, MSI shares the Commission's understanding that Congress's intent was for Section 716(i) to exempt enterprise solutions from required compliance with the advanced communications services provisions of the CVAA.<sup>3</sup> As explained by Motorola Inc.<sup>4</sup> in response to the Commission's October 2010 Public Notice on the CVAA, public safety and enterprise devices, networks, and services should be excluded from the definition of "advanced communications services" regardless of whether the devices, networks, and services at issue are connected to the public Internet, use IP technologies, or are able to place or receive calls through the public switched telephone network ("PSTN").<sup>5</sup> This is so because, as the Commission recognized in the Hearing Aid Compatibility context, these communications networks have different technical, operational, and economic demands than consumer networks, and the burdens of compliance would therefore outweigh the public benefits.<sup>6</sup>

The Commission is correct to declare that its rules implementing Section 716 should not apply to public safety equipment, as such a declaration is necessary to protect the development of next generation public safety mobile broadband systems. As evidenced by the record being compiled in the Commission's ongoing *Fourth Further Notice of Proposed Rulemaking* on

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<sup>3</sup> See *id.* at 3152 ¶¶ 50-51.

<sup>4</sup> On January 4, 2011, Motorola, Inc. completed the separation of certain businesses through the distribution of all of the common stock of Motorola Mobility Holdings, Inc. to its stockholders. Motorola, Inc. then changed its name to Motorola Solutions, Inc.

<sup>5</sup> See Comments of Motorola Inc., CG Docket No. 10-213 at 4-6 (filed Nov. 22, 2010).

<sup>6</sup> See Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets, WT Docket No. 07-250, *Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking*, 25 FCC Rcd 11167, 11196 ¶ 82 (2010); see also Notice, 26 FCC Rcd at 3152-53 ¶ 51 ("We agree that the Commission's recent proposal not to apply its hearing aid compatibility requirements to public safety equipment is instructive here.").

developing a nationwide interoperable public safety broadband network,<sup>7</sup> public safety broadband is still in the nascent stages and the first regional public safety broadband deployments will soon be underway. Public safety agencies operate on slim budgets, yet they require substantially greater functionality and reliability from their devices and networks than do consumers. Adding additional accessibility requirements at this time could slow broadband deployment could cause unnecessary delay and cost increases to public safety broadband development.

The Commission also accurately ascertains that Congress’s intent in Section 716(i) was to distinguish between the sorts of customized equipment and services offered to enterprise customers, which are not subject to the Section 716 accessibility requirements, and general consumer equipment and services “used by members of the general public.”<sup>8</sup> Many enterprise private land mobile radio systems use an IP-based backbone to transmit voice communications, however these systems should not be considered non-interconnected VoIP services for purposes of Section 716. Even where these systems may be able to communicate with more general consumer networks and services, enterprise devices and services—which may have unique emissions requirements or other design constraints that preclude convenient accessibility solutions—clearly fit under the plain language and clear intent of the Section 716(i) exception.

Ultimately, the CVAA’s distinction turns on whether the offerings at issue are “customized equipment or services that are not offered directly to the public.”<sup>9</sup> In the cases of

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<sup>7</sup> See Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, *et al.*, WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100, *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*, 26 FCC Rcd 733 (2011).

<sup>8</sup> *Notice*, 26 FCC Rcd at 3152 ¶ 50 (*citing* H.R. Rep. No. 111-563, at 19 (2010) (“House Report”)).

<sup>9</sup> 47 U.S.C. § 617(i).

both public safety and enterprise equipment and services, the offerings are specially designed and sold for a limited market and are not intended for general consumer communications. Mandating accessibility solutions for these devices and services would be inconsistent with the will of Congress and would place unreasonable burdens on the manufacturers, providers, and users of these devices and services without providing any concomitant benefit to consumers. Meanwhile, as the Commission recognizes in the *Notice*, public safety and enterprise employers already have an obligation to accommodate their employees with disabilities under the Americans with Disabilities Act.<sup>10</sup> For these reasons, MSI applauds the Commission on its clarification that public safety devices and services are not covered by the CVAA, and MSI respectfully suggests that the Commission should issue a similarly clear statement with respect to the enterprise market.

Respectfully submitted,

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<sup>10</sup> See *Notice*, 26 FCC Rcd at 3153 ¶ 51.